

Notice of Allowability

Application No.

09/960,148

Examiner

Charles Goodman

Applicant(s)

MARSH, JEFFREY D.

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3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on 5/27/04.
2. ☒ The allowed claim(s) is/are 4-12, 14-41 and 55.
3. ☒ The drawings filed on 27 May 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

This application is in condition for allowance except for the presence of claims 42-54 drawn to Groups II-V non-elected without traverse. Accordingly, claims 42-54 have been CANCELLED.

2. The following is an examiner's statement of reasons for allowance:

The prior art of record do not anticipate nor do they reasonably suggest the book trimmer as claimed in claims 55, 12 and 31. The closest prior art, Westra et al (US 5,694,823) teaches a document trimming apparatus comprising many of the claimed elements including, inter alia, a movable carriage (e.g. 88, 90) and a holder (e.g. 109) wherein the holder rotates the document (or book) into three different positions and moves toward and away from the blades to trim the edges of the documents or books. However, Westra et al lacks the subframe as claimed in claim 55; an indexing mechanism for shifting the carriage between the first, second, and third positions (claim 12); and a vertically movable carriage (claim 31). With respect to claim 55, Westra et al includes a carriage (at 88, 90) in Fig. 7) that is mounted on a subframe (e.g. 93 with specific reference to the brackets that allows movement of the carriage 90). However, the subframe does not move along with the carriage and the holder (e.g. 109) toward and away from the shearing plane. Moreover, although the carriage is movable within

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the slot (114) and thereby potentially construed as reading on limitation of the carriage “being movable in transverse direction with respect to the subframe” in claim 55, the carriage does not move along that slot in first, second, and third carriage positions to specifically correspond to the first, second, and third holder positions, i.e. a certain position of the carriage does not equate to a specific position of the holder to trim either of the minor edges of the document/book nor the major edge. The movement of the carriage in the slot merely facilitates movement of the holder toward and away from the shearing plane with no specific correlation to the various. With respect to claim 12, Westra et al teaches a stepper motor (96 - c. 4, ll. 45-49) that moves the carriage, but it does not index the carriage as defined by the Applicant. For substantially similar reasons stated above with respect to claim 55, the certain increment of movement of the carriage (i.e. indexing) does not equate to a specific holder position for trimming the first, second, or third edge of the document/book. With respect to claim 31, Westra et al’s carriage is limited in movement with respect to the horizontal plane and the carriage does not move vertically to position the document/book. The cylinder (108) in Westra et al moves vertically, but the actual carriage (90) does not. None of the other prior art of record fairly teach or suggest these lacking features. Thus, it is believed that the claimed invention with the lacking features in combination with all the other recited elements are allowable over the prior art of record.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”


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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (703) 308-0501. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (703) 308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-1148.

cg 
September 20, 2004


Charles Goodman
Primary Examiner
AU 3724

CHARLES GOODMAN
PRIMARY EXAMINER